

Donaldson, Yerusha

From: Beaver, Yerusha
Sent: Thursday, October 08, 2015 11:32 AM
To: Woodard, Lawana
Subject: FW: FOIA Appeal EPA-HQ-2015-008603 (appeal of Request EPA-HQ-2015-007249) -- McGehee requester
Attachments: Appeal of Request EPA-HQ-2015-007249.pdf
Importance: High

Fyi...

From: Beaver, Yerusha
Sent: Thursday, October 08, 2015 11:22 AM
To: Newman, Maya
Subject: FOIA Appeal EPA-HQ-2015-008603 (appeal of Request EPA-HQ-2015-007249) -- McGehee requester
Importance: High

Hello Maya.

I am working on the above-referenced FOIA appeal of a no-records response. The underlying request was assigned to OECA, and at one point to OW. Incidentally, the request was also erroneously assigned to OCEFT.

I've attached the appeal for your convenience, which includes a copy of the original request.

I am preparing a remand response for OGC. Thus the appeal will be granted and the request remanded to the Water Enforcement Division for reprocessing. I need your help to ensure the remand gets to the right person(s).

By way of background, the requester (Richard McGehee) emailed Mark Pollins in his capacity as Director of the WED back in July 2012. Mr. McGehee's emails complained of potential violations of the Clean Water Act that he observed. Fast forward to May 2015 – Mr. McGehee submitted a FOIA request seeking all records regarding the handling of his complaints (*i.e.*, his emails to Mark Pollins). The request was closed out with a no-records disposition; however, no response was actually sent to the requester.

In responding to the remanded request, the WED, at a minimum, needs to account for how the July 2012 complaints from Mr. McGehee were handled. For example, did Mark Pollins forward the emails to someone to look into? Were additional emails exchanged discussing the McGehee complaints and/or actions taken to consider/investigate the nature of the complaints?

If Mark in fact did absolutely nothing with the McGehee emails, then that would merit a no-records response. My guess is that he at least forwarded the emails to someone downstream to look into. If that's the case, then responsive records exist, however limited they may be.

Feel free to call me to discuss. Thanks.

Yerusha Beaver
Assistant Regional Counsel
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